

UNITED STATES DISTRICT COURT W. D. OF WASHINGTON AT TACOMA

1 UNITED STATES OF AMERICA,

2 Plaintiff,

v.

3 JOSE ALBERTO BENITEZ-CANO

4 Defendant.

Case No. MJ09-5180

DETENTION ORDER

6 THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. §3142, finds that no condition or combination of
 7 conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any
 other person and the community.

8 This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a crime
 9 of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the
 person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose
 to any person or the community.

10 *Findings of Fact/ Statement of Reasons for Detention*Presumptive Reasons/Unrebutted:

11 () Conviction of a Federal offense involving a crime of violence. 18 U.S.C. §3142(f)(A)
 12 () Potential maximum sentence of life imprisonment or death. 18 U.S.C. §3142(f)(B)

Safety Reasons:

13 () Defendant is currently on probation/supervision resulting from a prior offense.
 14 () Defendant was on bond on other charges at time of alleged occurrences herein.
 15 () Defendant's prior criminal history.

Flight Risk/Appearance Reasons:

16 () Defendant's lack of sufficient ties to the community.
 17 () Bureau of Immigration and Customs Enforcement detainer.
 18 () Detainer(s)/Warrant(s) from other jurisdictions.
 19 () Failures to appear for past court proceedings.
 20 () Past conviction for escape.

Other:

21 (✓) Defendant stipulated to detention without prejudice and for reasons contained in the Government's Motion for Detention.

19 *Order of Detention*

20 ▶ The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate,
 to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
 21 ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.
 22 ▶ The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered
 to a United States marshal for the purpose of an appearance in connection with a court proceeding.

23 July 7, 2009.



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 25 J. Richard Creatura
 26 United States Magistrate Judge
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